

## Message Text

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51

ACTION NEA-13

INFO OCT-01 ISO-00 SCA-01 L-03 USIA-15 A-01 PER-05 CPR-02

INR-10 SCS-03 RSC-01 DRC-01 ( ISO ) W

----- 047234

R 020915Z FEB 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 9468

INFO AMCONSUL MADRAS

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

LIMITED OFFICIAL USE NEW DELHI 1693

NEA PLEASE PASS LARRY PICKERING

E.O. 11652: N/A

TAGS: OGEN, IN

SUBJ: CALCUTTA AND OTHER CONSULAR DISTRICTS

REF: (A) STATE 19867; (B) NEW DELHI 1090; (C) STATE 12965

SUMMARY: WE QUESTION THE ADVISABILITY OF FOREGOING FURTHER FORMAL EXCHANGES WITH THE GOI ON CONSULAR JURISDICTION AS THE DEPT PROPOSES. WE ARE TRYING TO DEVELOP A NEW RELATIONSHIP WITHIN WHICH WE FUNCTION ON THE BASIS OF CLEARLY UNDERSTOOD GROUND RULES. LACK OF AGREEMENT ON CONSULAR JURISDICTIONS IS LIKELY TO LEAD TO MISUNDERSTANDING AND FRICTION, IF NOT NOW, THEN LATER. END SUMMARY.

1. IN REF C, YOU AGREED THAT RELIANCE ON TACIT GOI PERMISSION FOR EXERCISE OF CONSULAR FUNCTION BY CALCUTTA CONGEN OUTSIDE ITS OFFICIAL CONSULAR DISTRICT WOULD BE UNWISE; THAT LEGAL COMPLICATIONS ARE INHERENT IN TRYING TO REGULARIZE EXERCISE OF FUNCTIONS OUTSIDE CONSULAR DISTRICTS IN SPECIAL CIRCUMSTANCES; AND THAT THE SOUNDEST APPROACH IS THROUGH AGREEMENT ON PRECISE CONSULAR DISTRICT FOR EACH CONSULATE.

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2. WE UNDERSTOOD THERE COULD BE QUESTIONS ABOUT THE LEGALITY

OF FUNCTIONS PERFORMED BY A CONSULAR OUTSIDE HIS AGREED REPEAT  
AGREED CONSULAR DISTRICT. IS THIS TRUE?

3. AS MATTERS NOW STAND, WE HAVE ON RECORD A RECENT GOI NOTE  
TELLING US THAT CONSULAR POSTS IN INDIA ARE EXPECTED TO OPERATE  
ONLY WITHIN THEIR CONSULAR JURISDICTION AS APPROVED BY THE GOI  
AND THAT CONGEN CALCUTTA IS EXPECTED TO OPERATE ONLY WITHIN  
THE THREE APPROVED STATES.

4. AS FOR THE REMARKS OF SURI IN PROTOCOL (REF B), HE CITED  
ONLY ROUTINE "CORRESPONDENCE" ON COMMERCIAL AND VISA INQUIRIES  
AS A REGULAR CONGEN FUNCTION IN THE NORTHEAST WITH WHICH THE  
GOI WOULD HAVE NO PROBLEM THERE WAS CERTAINLY NO ASSURANCE THAT  
ROUTINE POLITICAL COURTESY CALLS AND NORMAL USIS OPERATIONS  
COULD CONTINUE AS IN THE PAST. THE TENOR WAS RATHER TO LIMIT  
CONGEN ACTIVITIES, ALTHOUGH SURI DID SAY THE GOI WOULD BE  
RELAXED ON STAFF TRAVEL IN THE NORTHEAST AND ACCESS FOR  
CONSULAR EMERGENCIES.

5. BUT IN ANY EVENT THESE WERE THE ORAL REMARKS ON AN  
OFFICIAL WHO MAY WELL MOVE ON. THE NOTE STANDS. AND THE  
GOI CAN TURN OFF TRAVEL TO THE NORTHEAST CITING OUR FAILURE  
TO TAKE ISSUE WITH THE NOTE. WE DOUBT THAT A RESPONSE  
TO THE NOTE WOULD HARDEN THE GOI POSITION ON THE  
NORTHEAST. IT HAS ALREADY CRYSTALIZED.

6. TESTING THE LIMITS ON GOI ACCEPTANCE OF CONGEN CALCUTTA  
ACTIVITIES IN THE NORTHEAST IN THE FACE OF THE RECENT NOTE--  
WITH NO FURTHER EFFORT TO GET AGREEMENT BETWEEN THE GOI

AND THE US ON WHAT OUR CONSULAR JURISDICTIONS ARE IN INDIA--  
MAY WELL LEAD TO FRICTION. PERHAPS NOT RIGHT AWAY. BUT  
IN A YEAR OR TWO.

7. WE CONTINUE TO BELIEVE ON BALANCE AND AS OUR RELATIONS  
WITH INDIA IMPROVE WE SHOULD REACH AN UNDERSTANDING WITH  
THE GOI ON OUR CONSULAR DISTRICTS HERE. INFORMING THE  
GOI OF WHAT WE UNDERSTAND OUR CONSULAR DISTRICTS TO BE AND  
THE AREAS NOT COVERED BY THE CONSULATES WILL BE COVERED  
BY THE EMBASSY (PARA 7 D REF B) SEEMS TO US LOGICAL  
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STEP. SINCE IT IS NOT FEASIBLE TO GIVE PICKERING OR OTHER  
CONGEN CALUCTTA OFFICERS A DIPLOMATIC TITLE, WE BELIEVE  
FORMAL REPEAT FORMAL RESPONSIBILITY FOR CONSULAR JURIS-  
DICTION OVER THE NORTHEASTERN STATES SHOULD BE ASSUMED BY  
THE EMBASSY AND THAT WE SHOULD ALSO INFORM MEA THAT, WHEN  
NECESSARY, THE EMBASSY WILL REQUEST CONGEN CALCUTTA TO  
ASSIST IT IN HANDLING ITS RESPONSIBILITIES. WE BELIEVE  
THIS WOULD PROVIDE US WITH FIRM BASE ON WHICH TO DEFEND

REGULAR VISITATION BY CONGEN OFFICERS TO NORTHEAST. EMBASSY  
WILL DISCUSS ENTIRE PROBLEM WITH PICKERING AND OTHER  
CONGENS DURING MARCH 3-4 CONSULAR CONFERENCE IN MADRAS.

8. FOR PICKERING: REQUEST FOR TRIP TO ASSAM MARCH 8-15  
WAS FORWARDED TO MEA. NO RESPONSE YET. UNLESS YOU ADVISE  
TO CONTRARY, WE WILL TELL MEA THE TRIP WILL BE POSTPONED  
ONE WEEK. THE INSPECTORS WILL BE IN CALCUTTA MARCH 5-11.

9. FOR CALCUTTA: MEA TOLD US THEY HOPE TO HAVE PERMITS  
FOR MRS. CONNELLY AND MRS. MCWILLIAMS (UNOFFICIAL) TRIP  
TO THE NORTHEAST ABOUT FEBRUARY 7.  
SCHNEIDER

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